

# **PLANNING BOARD MINUTES**

**March 12, 2008**

**Board members present:**

**Art Weber, Chairman   Ron Wolanski, Town Planner**

**Jan Eckhart, Vice Chairman   Turner Scott, Assistant Town Solicitor**

**Audrey Rearick , Secretary**

**Richard Adams**

**Frank Forgue**

**Gladys Lavine**

**Member Absent:**

**Betty Jane Owen**

**The meeting was called to order at 6:30 pm.**

## **Minutes**

**Motion by Mr. Forgue, seconded by Ms. Rearick, to approve the minutes of the January 13, 2008 regular meeting and the February 12 & 13 2008 special meetings. Vote: 6-0-0.**

## **Old Business**

**1. Public Hearing (continued) - Discuss and consider adoption of proposed amendments to the Town of Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations). The amendments, if adopted, would amend various**

**sections of Articles 1, 2, 3, 4, 5, 6, and Appendix A & C of the Regulations in order to implement proposed procedures and standards regarding Conservation Subdivision Development.**

**2. Discuss and consider a recommendation to the Town Council regarding proposed Zoning Ordinance amendments to implement proposed Conservation Subdivision Development procedures and standards.**

**The Planning Board combined the discussion of both the proposed amendments to the subdivision regulations and the Zoning Ordinance amendments.**

**Mr. Wolanski stated that he had made amendments to the drafts based on comments from the Planning Board and Town Solicitor. He referred to his memo to Board dated March 6, 2008 which outlined the revisions. He also discussed the recommendation of the Assistant Town Solicitor contained in a memo dated March 6, 2008, that the proposal should provide for the submission of conventional subdivision plans, at least for minor subdivision applications.**

**Ms. Lavine expressed a desire to require minor subdivisions to submit conservation plans if possible.**

**Mr. Scott explained that the Solicitor's opinion was based on the need to conform to state statute. The Board could choose to proceed as it wishes.**

**Mr. Wolanski stated that the board could forward the draft as written to the Town Council, but the Council is likely to have concerns with a recommendation from the Planning Board that is contrary to the advice of the Town Solicitor.**

**After additional discussion the consensus of the Board was to make additional revisions to the draft documents to address the Solicitor's concerns.**

**Mr. Eckhart suggested that results of the proposed yield formula be rounded in accordance with standard mathematical principals. Results with a fractional number of units of .50 or greater should be rounded up to the next whole number. Results under .50 would be rounded down. This method would be more critical on smaller subdivisions where rounding down for all fractional numbers could result in an undue hardship on the developer.**

**The consensus of the board was to revised the draft to incorporate the procedure recommended by Mr. Eckhart.**

**The discussion was opened to the public.**

**Mary Sheppard, a Middletown resident, asked if subdivisions of larger tracts of land would be required to be developed as conservation developments.**

**Mr. Wolanski stated that, as proposed, only major subdivisions, which consist of six or more lots regardless of land area, would be required to submit conservation subdivision plans.**

**Arthur Benner, a Middletown resident, stated that a property owner could submit a series of minor subdivisions for single tract of land, thereby avoiding the designation of a major subdivision.**

**Mr. Scott and Mr. Wolanski stated that the Board has the ability to apply conditions to subdivision approvals to address such concerns. The Board could also require submission of a master plan of development for larger tracts of land.**

**There was additional discussion by Board members about the value of requiring conservation plans for minor subdivisions.**

**Peter Gallipeau, a Middletown resident, stated that abutters to developments would likely prefer to allow for Planning Board discretion in considering conservation plans.**

**Motion by Mr. Adams, seconded by Ms. Rearick, to forward a recommendation to the Town Council in favor of adopting the Zoning Ordinance amendments as presented, subject to the revision recommended by the Town Solicitor regarding optional submission of conservation plan for minor subdivisions, and the revision to round the results of the yield formula based on standard mathematical principles. Vote: 6-0-0.**

**Motion by Mr. Adams, seconded by Ms. Rearick, to adopt and forward to the Town Council for ratification amendments to the Rules and Regulations Regarding the Subdivision and Development of Land as presented, subject to the revision recommended by the Town Solicitor regarding optional submission of conservation plan for minor subdivisions, and the revision to round the results of the yield formula based on standard mathematical principles. Vote: 6-0-0.**

**3. Public Hearing (continued) – Proposed amendments to several sections of the Middletown Comprehensive Community Plan to provide for implementation of applicable recommendations of the Aquidneck Island Planning Commission's West Side Master Plan.**

**Mr. Wolanski stated that he had not yet made the needed revisions to the draft amendments related to the implementation of the West Side Master Plan. Revisions will be provided for the Board's April meeting.**

**Review of the future land use designation for the former Navy Lodge parcel at the corner of West Main Rd. and Coddington Highway will proceed once the town's recreation master plan is completed.**

**By consensus the matter was continued to the Board's April 9, 2008 meeting.**

**4. Request on behalf on Newport Animal Hospital, 333 Valley Rd., for consideration of possible Zoning Ordinance amendment regarding kennels and boarding of animals.**

**Attorney David Martland represented the proponent. He described the request.**

**Mr. Wolanski stated that a proposed amendment suggested by the Zoning Officer would insert a new line in the use table for veterinary hospitals that include boarding of animals. The amendment would require a special use permit for the new use designations wherever veterinary hospitals are currently allowed by-right or by special use permit. The new use would be prohibited wherever veterinary hospitals are currently prohibited.**

**Mr. Martland indicated that his client supports the proposal.**

**Mr. Eckhart asked about any standards for care of boarded animal.**

**The proponent, Dr. Civic, stated that stand-alone boarding facilities are regulated separately. Boarding in conjunction with a veterinary hospital are regulated as part of the veterinary practice, which is more stringent than the regulations for stand-alone boarding.**

**Motion by Mr. Eckhart, seconded by Ms. Rearick, to forward the proposed amendment as drafted by the Zoning Officer to the Town Council with a positive recommendation. Vote: 6-0-0.**

**5. Review DRAFT proposed zoning ordinance amendment relating to installation of wind turbines.**

**Mr. Wolanski stated that he is continuing to work with the Wind Turbine Committee to schedule a presentation on power to the Planning Board.**

**Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the matter to the April 9, 2008 Planning Board meeting. Vote: 6-0-0.**

**6. Consider possible recommendation to the Town Council regarding procedure for appointing board/committee members.**

**Mr. Weber explained the issue, and his feeling that a more formalized procedure for considering candidates to fill positions might be appropriate.**

**Mr. Scott stated that such issues might not be in the Planning Board's preview. This is a matter for Town Council consideration.**

**Motion by Ms. Rearick, seconded by Mr. Adams, to adjourn. Vote: 6-0-0**

**The meeting adjourned at 7:45pm**